IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 24671 of 2003

Between:

Padam Koteswara Rao, S/o Veerabadrudu @ Raju,
R/o Pathapattiseema, Polavaram Mandal,
West Godavari District.

... PETITIONER

AND

1 The District Collector, West Godavari District,
Eluru, West Godavari District,
2 The Revenue Divisional Officer,
Jangareddigudem, W.G.District.
3 The Mandal Revenue Officer,
Gopalapuram Mandal, West Godavari District.
4 Thirnati Veera Venkata Satya Gangadara Rajasekhar, S/o Satyanarayana
r/o Jangareddigudem, West Godavari District.
5 Thirnati Jayalakshmi, W/o Satyanarayana
R/o Jangareddigudem, West Godavari District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order particularly in the nature of mandamus or any other appropriate writ declaring the action of the respondents 1 to 3 in disbursing the compensation amount for the acquired land in an extent of Ac.2-66 cents in R.S.No.21 renumbered as R.S.No.21/2 of Gangolu Village, Gopalapuram Mandal, West Godavari District to the respondents 4 & 5 without considering objections for the petitioners nor giving an opportunity of being heard as there is a title dispute with regard to the acquired land which is part of the subject matter in the civil suits in O.S.No.47/97 and O.S.No.48/97 before the Senior Civil Judge's Court, Kovvur, West Godavari District as illegal, arbitrary, unjust, unreasonable and apart from violative of principles of

Natural Justice and consequently direct the respondents 1 to 3 not to disburse the compensation amount for the acquired land in an extent of Ac.2.66 cents in r.s.no.21/2 of Gangolu Village, Gopalapuram Mandal, West Godavari District for the Kovvada Canal Project under ROC No.5028/2003/G1, dt.8-8-2003 pending disposal of the suits filed by the respondents 4 &5 against the petitioner for declaration of title before the Senior Civil Judge's Court, Kovvur or direct them to deposit the said amount to the account of Senior Civil Judge's Court, Kovvur, West Godavari District wherein the two suits O.S.No.47/97 & O.S.No.48/97 are pending

Counsel for the Petitioner: MR.C.S.SURYA PRAKASH RAO

Counsel for the Respondents 1 to 3: GP FOR LAND ACQUISITION

Counsel for the Respondents 4 & 5: MR.CH.DHANAMJAYA

The Court made the following order:

ORDER:

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Heard both the counsel appearing for the respective parties.

Petitioner submits that admittedly there is a dispute with regard to the ownership of the land in an extent of Ac.16-60 cents in R.S.No.21 which was re-numbered as R.S.No.21/1 & 21/2 of Gangolu village, out of which an extent of Ac.2-66 cents was acquired for Kovvada Canal

Project. As there is a dispute with regard to the ownership, the respondents filed two suits in O.S.No.47 of 1997 and O.S.No.48 of 1997 on the file of the Senior Civil Judge, Kovvuru, West Godavari District, for declaration of title and for permanent injunction respectively in respect of the said land.

As certain extent of the said land was acquired the petitioner filed this writ petition to direct the respondents 1 and 3 not to disburse the compensation amount for the acquired land in an extent of
Ac.2-66 cents in R.S.No.21/2 of Gangolu Village, Gopalapuram Mandal, West Godavari District, for Kovvada Canal Project under
ROC No.5028/2003/G1, Dated 08.08.2003.

Counter has been filed on behalf of the respondents 4 and 5 stating that they are the owners of the said land and therefore, they have filed the aforesaid two suits for declaration of title and for permanent injunction and they are entitled for the compensation in respect of the said land acquired for the project.

Both the counsel fairly submit that it is just and proper to direct the respondents 1 to 3 to deposit the compensation amount payable in respect of the land acquired to the credit of O.S.No.47 of 1997 on the file of the Senior Civil Judge's Court, Kovvur, so that the compensation amount can be disbursed depending upon the declaration of the title of the said land. The respondents 4 and 5 if succeed in the suit declaring them as owners of the said land they are entitled to the said compensation otherwise the petitioner would be entitled for the compensation.

The respondents 1 to 3 are accordingly directed to deposit the compensation amount payable to the owners of the land acquired pursuant to the notification dated 08.08.2003 issued by the Collector with regard to Sy.No.R.S.21/2 of Gangolu Village to the credit of O.S.No.47 of 1997 on the file of the Senior Civil Judge's Court, Kovvuru, West Godavari District.

Accordingly, the writ petition is disposed of with the above observations. No costs.

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V. ESWARAIAH, J

February 28, 2005

Dsk

To

1 The District Collector, West Godavari District, Eluru, West Godavari District.

2 The Revenue Divisional Officer, Jangareddigudem, W.G.District.

3 The Mandal Revenue Officer,Gopalapuram Mandal, West Godavari District.

4 Two CCs to GP for Land Acquisition, High Court Buildings, Hyderabad

(OUT)

5 Two CD Copies.